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C O N F I D E N T I A L STATE 031047

SIPDIS

E.O. 12958: DECL: 03/31/2019
TAGS: MASS MARR PARM PREL CG JO
SUBJECT: RESPONSE TO JORDANIAN INQUIRY ON ARMS SALES TO
THE DEMOCRATIC REPUBLIC OF THE CONGO

REF: AMMAN 742

Classified By: NEA/ELA Dep. Dir. Stephen Newhouse, reasons 1.4 (b),(d)

SUMMARY

¶1. (C) The Department requests Post to convey points to the Jordanian Armed Forces (JAF) (see paragraph 7) on U.S. arms transfer policy to the Democratic Republic of Congo (DRC). While the USG does not have the legal means to prevent Jordanian arms transfers of non-U.S.-origin material to the DRC, we note that Jordan must comply with the UN arms embargo on the DRC and follow all appropriate related procedures. We greatly appreciate the JAF's partnership in consulting with us and in supporting our efforts. End summary.

OBJECTIVES

¶2. (C) Department requests Post pursue the following objectives:

-- (SBU) Inform the JAF on U.S. arms transfer policy toward the DRC (see paragraph 7) and urge Jordan to adopt a similar policy to ensure it is in compliance with its international obligations as described in United Nations Security Council (UNSC) Resolution 1807 (2008) and subsequent resolutions.

-- (SBU) Note that the U.S. has been assisting the DRC with weapons and munitions destruction for the last several years and is concerned about its stockpile security and management procedures. Any weapons and munitions sales to the DRC should be accompanied by end-use assurances.

-- (C/REL TO JO) Further note that we would be concerned with a transfer of significant quantities of small arms/light weapons that are clearly beyond the government's needs. There is a risk of such weapons getting out of the government's control, either intentionally or inadvertently, risking further destabilization in the already fragile region.

-- (SBU) Commend the JAF for its decision to consult with the USG on this potential arms transfer involving non-U.S.-origin material.

REPORTING DEADLINE

¶3. (U) Please report the delivery of this information and any response from the Government of Jordan via cable. Slug cables for PM/RSAT (Amy Van Buren), PM/WRA (Stephanie Pico), ISN/CATR (Margaret Mitchell), AF/C (Christopher Lamora), and NEA/ELA (Meghan Gregonis).

BACKGROUND

¶4. (C) Reftel conveyed an inquiry from General Khaled Sarayreh, Chairman of the Joint Chiefs of Staff of the Jordan Armed Forces (JAF), as to whether the USG would object to the JAF's selling non-U.S.-origin ammunition to the Democratic Republic of Congo (DRC). The equipment includes ammunition for small arms, machine guns, RPGs, and 60mm mortars. This transfer would possibly include establishment of a training relationship with the DRC.

¶5. (U) Security Situation in the DRC: Over the past dozen years, the DRC has faced two large-scale conflicts involving foreign armies and numerous smaller skirmishes with domestic armed groups. In addition, two foreign armed groups - the Ugandan "Lord's Resistance Army" (LRA) and Rwandan "Democratic Forces for the Liberation of Rwanda" (FDLR) - are based in the eastern DRC. A UN peacekeeping operation, MONUC, has been in place since 1999; it is already the largest UN peacekeeping mission worldwide, and within the next several months will increase its troop strength from 17,000 to 20,000. From August to November 2008, the Congolese military engaged in intense fighting with the largest domestic militia group; the two sides reached a tentative political settlement in January 2009 and a more formal agreement in late March. Also since the first of the year, the DRC has made progress against both the LRA and the FDLR by engaging in joint military operations with the Ugandan and Rwandan militaries, respectively.

¶6. (U) The UN Arms Embargo: UN Security Council (UNSC) Resolution 1807 adopted on March 31, 2008 renewed the arms embargo against all non-governmental entities and individuals operating in the DRC, but lifted restrictions on transfers to the Government of the DRC. Resolution 1807 (2008) also requires that all states shall notify the UNSC DRC Sanctions Committee in advance of any shipment of arms and related materiel for the Government of the DRC, or any provision of assistance, advice, or training related to military activities in the DRC. These notifications should include all relevant information such as the end-user, the proposed date of delivery, and the itinerary of shipments. Resolution 1857, adopted 22 December 2008, renewed the arms embargo provisions contained in Resolution 1807.

¶7. (U) U.S. Policy: It is the policy of the United States to deny licenses and other approvals for exports and imports of defense articles and defense services destined for or originating in the DRC with the following exceptions:

¶8A. Training and non-lethal equipment to the United Nations Mission in the Democratic Republic of the Congo (MONUC);

¶8B. Training and non-lethal equipment to the transitional National Unity Government of the Democratic Republic of the Congo and the integrated Congolese national army and police forces;

¶8C. Training and non-lethal equipment to such units operating under the command of the etat-major integre of the Congolese Armed Forces or National Police, and such units in the process of being integrated outside the provinces of North and South Kivu and the Ituri district;

¶8D. Non-lethal equipment for humanitarian or protective use, and related assistance and training, as notified in advance to the United Nations (UN).

In addition, the International Traffic in Arms Regulations prohibits all transactions prohibited by the UNSC embargo unless the Department of State specifies other measures.

¶8. (U) The Congolese Government has a recent track record of re-exporting the ammunition that it acquires from foreign sources. In August of 2008, Congolese authorities delivered 53 tons of small arms ammunition to the Zimbabwean Army after

acquiring the ammunition from Sudan. The transfer led UN arms embargo monitors to conclude that "(W)hile this is not a violation of the arms embargo, it is an indication that the Democratic Republic of the Congo could become a transit point for weapons destined for other countries." United Nations experts have assessed that stockpiles of the Armed Forces of the Democratic Republic of the Congo (FARDC) are the primary sources of weapons and ammunition for National Congress for the Defense of the People (CNDP) rebels. CNDP has looted numerous FARDC arms depots in 2007 and 2008, including capturing 12 trucks of ammunition in a single attack. Interviews of Democratic Forces for the Liberation of Rwanda (FDLR) ex-combatants by UN officials indicate FARDC has supplied FDLR with small arms ammunition in exchange for assistance in conducting attacks on the CNDP.

POINTS OF CONTACT

19. (U) Department points of contact for this issue are Amy Van Buren (PM/RSAT), vanburenap@state.sgov.gov, (202) 736-7668; Margaret Mitchell (ISN/CATR), mitchellmt2@state.sgov.gov, (202) 647-2433; Christopher Lamora (AF/C), lamoracj@state.sgov.gov, (202) 647-2216; and Meghan Gregonis (NEA/ELA), gregonisme@state.sgov.gov, (202) 647-1091.

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